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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,877	03/30/2004	Teresa Mead	017242-010500US	5757

20350 7590 10/04/2006

TOWNSEND AND TOWNSEND AND CREW, LLP  
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EXAMINER
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EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 10/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/813,877	Applicant(s) MEAD ET AL.	
	Examiner Joseph F. Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-22, 24, 25, 28-31, 36-40, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) 26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 25, 28-31, 36-40, 42 and 43 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 17 August 2006 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 20-22, 24, 25, 28-31, and 36-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,546,620 to Matthews in view of U.S. Patent No. 4,667,356 to Holmquist.

Matthews discloses a holding device that is basically the same as that recited in claims 20-22, 24, 25, 28-31, and 36-40 except that the pillow body lacks a securing system, as recited in the claims. See Figures 1-7 of Matthews for the teaching that the holding device has a pillow body 12 (see Fig. 1) with a medial region 14 and two

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opposed curved arms 16,18 extending from the medial region defining an inner well region, a seat 42 coupled to the pillow and disposed within the well region and sewn to the arms and medial region (see column 2, lines 9-12), and a fabric shell 62,64 (see Fig. 4) encasing a filling material to form the pillow wherein a baby's feet are permitted to hang from the seat, and the medial region has a height ranging from 1 to 10 inches and a width ranging from 4 to 10 inches, the arms have a height ranging from 1 to 6 inches, a width ranging from 4 to 10 inches, and a length ranging from 10 to 20 inches, and the well region has a width ranging from 4 to 12 inches and a length ranging from 4 to 12 inches (see column 3, lines 1-32). Holmquist shows a holding device similar to that of Matthews wherein the device has a pillow body 12 (see Fig. 6) with opposing arms 13,14 (see Fig. 2) and a well region, and a securing system 22 operably coupled to the pillow body and including a seat coupled to the pillow body within the well region, a center holding strap extending from the seat being configured to be placed between a baby's legs and operably coupled directly to the arms of the pillow body via connectors that are connectable to buckle mating connectors on the center holding strap .

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding device of Matthews such that that device has a securing system operably coupled to the pillow body and including a center holding strap extending from the seat that is configured to be placed between the baby's legs and be operably coupled directly to the arms of the pillow body via connectors that are connectable to mating connectors on the center holding strap wherein the connectors have buckle connectors, such as the holding device disclosed by Holmquist.

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One would have been motivated to make such a modification in view of the suggestion in Holmquist that the securing system on the pillow body and seat secures the torso of the baby to prevent accidental rolling and falling of the baby.

4. Claims 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews in view of Holmquist as applied to claims 20, 21, 24, 25, 28-31, and 36-40 above, and further in view of U.S. Patent No. 5,675,853 to Linge.

Matthews, as modified, discloses a holding device that is basically the same as that recited in claims 42, and 43 except that the center holding strap connector is not specified as hook and loop fasteners, as recited in the claims. Linge shows a holding device similar to Matthews wherein the device has a well region (see Fig. 1), opposing arms, a seat, and a center holding strap 62 having hook and loop fasteners 60.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the holding device of Matthews such that the center holding straps is operably coupled directly to the pillow body/arms via hook and loop fasteners, such as the holding device disclosed by Linge. One would have been motivated to make such a modification in view of the suggestion in Linge that hook and loop fasteners and snap fasteners are conventionally known connection means.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 20-22, 24, 25, 28-31, 36-40, 42, and 43 have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joe Edell  
September 26, 2006